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Subject: Used Oil Excerpts

Milka,

Sorry, I thought a search for specific terms would narrow it down, but I checked it myself and the terms are found in most sections. So, here are some excerpts.

From the Rules at 40 CFR 279 and Utah Administrative Code R315-15, examples of the presumptive language:

At §279.10(b): Mixtures of used oil and hazardous waste-(1) Listed hazardous waste. (i) Mixtures of used oil and hazardous waste that is listed in subpart D of part 261 of this chapter are subject to regulation as hazardous waste under parts 260 through 266, 268, 270, and 124 of this chapter, rather than as used oil under this part.

(ii) Rebuttable presumption for used oil. Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in subpart D of part 261 of this chapter. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste.....

Also found at R315-15-1(b): Mixtures of used oil and hazardous waste.

(1) Listed hazardous waste.

(i) Mixtures of used oil and hazardous waste that is listed in Section R315-2-10 are subject to regulation as hazardous waste under Rules R315-1 through R315-14, and R315-50, rather than as used oil under Rule R315-15.

ii) Rebuttable presumption for used oil. Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in Section R315-2-10. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste,

For examples of burning off-spec used oil:

§279.11 Used oil specifications.

Used oil burned for energy recovery, and any fuel produced from used oil by processing, blending, or other treatment, is subject to regulation under this part unless it is shown not to exceed any of the allowable levels of the constituents and properties in the specification shown in Table 1. Once used oil that is to be burned for energy recovery has been shown not to exceed any specification and the person making that showing complies with §§279.72, 279.73, and 279.74(b), the used oil is no longer subject to this part. (MY NOTE: i.e., on-spec used oil is unregulated here-on-out.)
BUT....

§279.11(c) Burning in particular units. Off-specification used oil fuel may be burned for energy recovery in only the following devices:

(2) Boilers, as defined in §260.10 of this chapter, that are identified as follows:

(ii) Utility boilers used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale;

More details for burning off-spec used oil is located at 40 CFR 279.60 to 279.67 (Subpart G).

The same language is found at R315-15-1.2, R315-15-1.4, and R315-15-8.2(a).

From the preamble of the original Part 279 promulgation (57 FR 41566, September 10, 1992) on burning off-spec oil:

"Also on November 29, 1985, the Agency proposed management standards for recycled used oil (50 FR 49212) and issued final regulations, incorporated at 40 CFR part 266, subpart E, prohibiting the burning of off-specification used oil fuels in non-industrial boilers and furnaces (50 FR 49164)."

"Off-specification used oil must be burned in industrial boilers or furnaces only. The "specification" levels for used oil that will be burned for energy recovery include levels for metals, halogens, and flash point. These existing standards promulgated in 1985 are recodified in part 279 today."

"EPA is aware of concerns raised over burning used oil as a fuel. The 1985 used oil fuel specification, however, was established to control the risks from burning used oil, thus it represents the Agency's best current judgment as to the level of control necessary to protect human health and the environment. Thus, the burning of used oil in compliance with the existing standards is not a "plausible mismanagement scenario" requiring the listing of recycled used oil as a hazardous waste."

"RCRA restricts the burning of off-specification used oil for energy recovery to certain industrial facilities (e.g., industrial furnaces and utility burners) and space heaters. While facilities that burn off-specification used oil fuel are not required to control air emissions under RCRA, some of these facilities may be subject to Clean Air Act controls. The Agency plans to study these issues and, should regulatory controls be deemed necessary, EPA may take appropriate actions under RCRA or other statutory authority."

From the Preamble on mixing with hazardous waste, particularly pertaining to halogens:

"The management standards adopted today are designed to address the potential hazards associated with improper storage and handling of used oil (*such as mixing with hazardous waste*) by establishing minimal requirements applicable to used oil generators, transporters, used oil processors, and re-refiners, and off-specification used oil burners." (Italic note added)

"In 1985, EPA promulgated the used oil fuel specification. EPA set the specification limit for total halogens at 4,000 ppm. EPA set this specification limit for total halogens based upon emission standards modelling results. EPA also promulgated the rebuttable presumption of mixing in 1985. The rebuttable presumption limit for halogen content was set at 1,000 ppm, based upon probable mixing scenarios. The Agency believes (due to enforcement experience) that used oils exhibiting a total halogen level greater than 1,000 ppm have most likely been mixed with chlorinated hazardous wastes."

"The Agency wants to discourage all mixing of used oils and hazardous wastes. However, EPA understands that some used oils (e.g., metalworking oils with chlorinated additives) may exceed the 1,000 ppm total halogen limit without having been mixed with hazardous waste. In these cases, the generator can rebut the presumption of mixing by documenting the source of the halogens and the used oil is subject to the part 279 management standards and is not subject to the subtitle C management system. However, even if the presumption of mixing is rebutted, if the total halogen level in the used oil exceeds 4,000 ppm, the used oil will not meet the used oil specification limit for total halogens. Therefore, if the used oil is to be burned for energy recovery, the used oil must be burned as off-specification used oil fuel (in which case the used oil fuel handlers must be in compliance with the requirements of part 279, subpart G). In cases where the used oil generator cannot rebut the presumption of mixing, the used oil generator must manage the mixture of used oil and hazardous waste as a hazardous waste (in compliance with all applicable Subtitle C management requirements)."

Hope this helps.

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